

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

KEITH K. CARTER,

Plaintiff,

vs.

No. CV 20-00271 RB/GJF

SANTA FE ADULT DETENTION CENTER,

Defendant.

MEMORANDUM OPINION AND ORDER

THIS MATTER is before the Court under Federal Rule of Civil Procedure 41(b) on the pro se handwritten civil rights complaint by Plaintiff Keith K. Carter (Doc. 1) and the Court's Order to Cure Deficiencies entered March 25, 2020 (Doc. 3). The Court will dismiss the complaint without prejudice for failure to comply with the Court's Order and failure to prosecute.

At the time it was filed, Carter's handwritten filing indicated that he was incarcerated at the Santa Fe Adult Detention Center and complained of conditions at the detention facility. (Doc. 1.) The Court determined that Carter's filing is properly treated as a civil rights claim under 42 U.S.C. § 1983. *See Wiley v. Holt*, 42 F. App'x 399, 400 (10th Cir. 2002). The Court notified Carter that his filing is not in proper form to assert civil rights claims. (Doc. 3 at 1.) The Court also advised Carter that under 28 U.S.C. §§ 1914(a) and 1915(a), the Court is required to collect the federal filing fee or authorize Plaintiff to proceed without prepayment of the fee. (*Id.* at 2.) The Court ordered Carter to cure these deficiencies in his submission within 30 days and provided him with the necessary forms for a civil rights complaint and an application to proceed under § 1915. (*Id.*)

The Court's March 25, 2020 Order directed Carter to cure deficiencies in his filing by submitting a signed complaint in proper form and paying the \$400 filing fee or by filing an Application to Proceed in the District Court Without Prepaying Fees and Costs in proper form within 30 days. (Doc. 2.) More than 30 days has elapsed since entry of the Court's March 25, 2020 Order. Carter has not paid the filing fee, submitted an application to proceed under § 1915, or filed a signed civil rights complaint in proper form. Carter has not responded to the Court's March 25, 2020 Order or communicated with the Court in any way.

The Court may dismiss an action under Rule 41(b) for failure to prosecute, to comply with the rules of civil procedure, to comply with statutes, or to comply with court orders. *See Olsen v. Mapes*, 333 F.3d 1199, 1204, n.3 (10th Cir. 2003); *Bradenburg v. Beaman*, 632 F.2d 120, 122 (10th Cir. 1980) ("It is incumbent on litigants, even those proceeding pro se, to follow the federal rules of procedure. . . The same is true of simple, nonburdensome local rules" (citation omitted)). Plaintiff has failed to comply with the Court's March 25, 2020 Order, to comply with the rules and federal statutes, and to prosecute this action. Therefore, the Court will dismiss this proceeding for failure to comply with the requirements of 28 U.S.C. § 1915, to comply with the Court's March 25, 2020 Order, and to prosecute this action.

IT IS ORDERED that the pro se handwritten civil rights complaint by Plaintiff Keith K. Carter (Doc. 1) is **DISMISSED** without prejudice under Rule 41(b) for failure to comply with 28 U.S.C. § 1915, failure to comply with the Court's March 25, 2020 Order to Cure Deficiencies, and failure to prosecute this case.



ROBERT C. BRACK
SENIOR U.S. DISTRICT JUDGE